

Serial No. 10/715,923

REMARKS

Status of claims

Claims 1-9 have been rejected under 35 USC 103(a) for obviousness over Admission in view of Winters.

Preliminary Comments

The rejections against the independent claims 1, 6, 7 and 8 claims are unclear and insufficiently reasoned to enable the applicant to properly evaluate his position. For example, on page 3 of the office action, the Examiner indicates that:

“Admission does not teach the instantaneous channel-capacity values has is to a predetermined probability below given level.

However, Winters not teach the instantaneous channel capacity values has is to a predetermined probability below given level (see column 9, lines 25-41 and figures 4-5”).

If the Examiner chooses to seek to maintain this rejection, he is requested to point out, and explain in greater detail, the relevance of the particularly cited portions of Winters.

Claim 1

The skilled reader of Admission has no motivation to look to the teaching of Winters.

Admission relates to evaluating performance of a MIMO network in terms of frame error rates based on instantaneous channel capacities.

Conversely, Winters relates to a different technical matter, namely a method for receive-processing with multiple antennas that is based on antenna selection. To select the optimal sub-group of antennas of the receiver, a correlation metric and a capacity metric (more specifically a mutual information metric) are used. As shown in Figures 3 and 4, Winters uses a statistical probability of instantaneous channel capacity merely to evaluate various proposed methods of antenna selection.

Another difference is that Winters relates to a receiver for a single communications link. Conversely, Admission is a method of performance evaluation in a MIMO network comprising multiple links.

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Due to the above-mentioned differences, there is no motivation for the skilled reader of Admission to look to Winters, and even if the skilled reader of Admission were to look to Winters, in particular its column 9 lines 25 to 41 and Figures 4-5, the skilled reader would dismiss Winters as incompatible with Admission.

The present invention is based on the inventive insight over Admission that the influence of fading due to Doppler effects in consequence of mobility can be taken into account when considering channel capacities. The solution is to process instantaneous channel capacity values to provide a level below which there is a predetermined probability of the actual channel capacity being less than.

There is nothing in Admission to teach or suggest the above-mentioned insight and nothing to lead the skilled reader of Admission towards Winters in search of the solution.

It follows that claim 1 is patentable to the standard of 35 USC 103 over the cited art.

Claims 2 to 5

Dependent claims 2 to 5 are patentable not least on the basis that they each depend on an allowable independent claim 1.

Claims 6, 7, 8

Each of independent claims 6, 7, and 8 has been amended in line with claim 1, and is patentable on the same basis as presented above in respect of claim 1.

Dependent claim 9

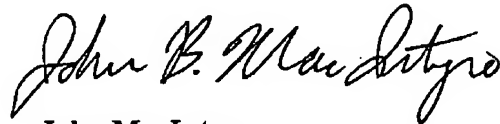
Dependent claim 9 is patentable not least on the basis that it depends on an allowable independent claim 8.

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Conclusion

In view of the foregoing, allowance of all the claims presently in the application is respectfully requested, as is passage to issuance of the application. If the Examiner should feel that the application is not yet in a condition for allowance and that a telephone interview would be useful, he is invited to contact Applicant's undersigned attorney at 630 979 4637

Respectfully submitted,



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